

### **AMENDMENTS TO THE CLAIMS**

The following Listing of Claims will replace all prior versions, and listings, of claims in the application:

#### **Listing of Claims:**

Claims 1-12 (cancelled)

Claim 13 (original): A method of producing particles comprising the steps of:  
providing a load stock comprising:

an excipient that is a solid at 25° C. and 1 atmosphere pressure; and  
optionally, a biologically active substance;

contacting the load stock with a supercritical fluid in a pressure vessel to form a  
melt;

releasing the pressure within the pressure vessel to transform the melt into a  
solid porous mass that is cooled to a temperature below 25° C.; and  
milling the solid porous mass to obtain solid particles.

Claim 14 (original): The method according to claim 13 wherein the solid porous  
mass is milled before the temperature of the solid porous mass is permitted to rise to or  
above 25° C.

Claim 15 (original): The method according to claim 13 wherein subsequent to  
the reducing step the solid particles have an average particle size of from about 0.1 to  
about 500 micrometers (µm).

Claim 16 (original): The method according to claim 13 wherein the excipient is a  
polymer selected from the group consisting of polysaccharides, polyesters, polyethers,

polyanhydrides, polyglycolides, polylactic acids, polycaprolactones, polyethylene glycols and polypeptides.

Claim 17 (original): The method according to claim 13 wherein the supercritical fluid is selected from the group consisting of carbon dioxide, water, nitrous oxide, dimethylether, straight chain or branched C<sub>1</sub>-C<sub>6</sub>-alkanes, alkenes, alcohols, ethane, propane, fluoroform, chlorotrifluoromethane, chlorodifluoromethane, propylene, ammonia and combinations thereof.

Claim 18 (original): The method according to claim 13 wherein the supercritical fluid is carbon dioxide.

Claim 19 (cancelled)